

UNITED STATES DISTRICT COURT

for the

Middle District of Georgia

United States of America

v.

Edgar Fernando Neri

Date of Original Judgment: 04/26/2023

Date of Previous Amended Judgment: N/A

(Use Date of Last Amended Judgment if Any)

Case No: 7:22-CR-00008-001

USM No: 86420-509

Michael N. Simpkins

Defendant's Attorney

**ORDER REGARDING MOTION FOR SENTENCE REDUCTION
PURSUANT TO 18 U.S.C. § 3582(c)(2)(Amendment 821)**

Upon motion of ☐ the defendant ☐ the Director of the Bureau of Prisons ☒ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by Amendment 821 to the *United States Sentencing Guidelines*, and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 87 months **is reduced to** 70 months.

(Complete Parts I and II of Page 2 when motion is granted)

Edgar Fernando Neri was originally sentenced on April 26, 2023, to a term of 87 months imprisonment to be followed by a three-year term of supervised release, for the offense of Distribution of Methamphetamine. His Total Offense Level was determined to be 29 with a Criminal History Category IV, which yielded an advisory sentencing range of 87 to 108 months. He presently has a projected release date of February 3, 2028. He is subject to deportation proceedings following his release from custody based on his immigration status.

Based on Part B, subchapter 1 of Amendment 821 of the *United States Sentencing Guidelines*, the defendant is eligible for a two-level reduction under the newly created provision found at USSG §4C1.1(a) for certain zero-point offenders. Such a reduction would result in a Total Offense Level 27. Combined with a Criminal History Category I, the advisory sentencing range is 70 to 87 months.

The government agrees the defendant is eligible for relief. Therefore, the Court grants the sentence reduction, and the new imprisonment sentence imposed would be reduced to 70 months.

Except as otherwise provided, all provisions of the judgment dated 04/26/2023 shall remain in effect.

IT IS SO ORDERED.

Order Date: 1/25/2024

s/Hugh Lawson

Judge's signature

Effective Date: February 1, 2024

(if different from order date)

Hugh Lawson, Senior U.S. District Judge

Printed name and title